

ORDINANCE NO. R- 2016-11 **AMENDED** TAX CODE(S) 82-06-12-017-176.024-027

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS 4405 North Green River Road BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

Part of the Northwest Quarter of the Northwest Quarter of Section 12, Township 6 South, Range 10 West, Vanderburgh County, Indiana, described as follows:

Beginning at a point on the West line of the Northwest Quarter of the Northwest Quarter of said Section 12, which lies South 0 degrees 16 minutes 57 seconds East a distance of 856.12 feet from the Northwest corner thereof, being the Southwest corner of the property described by deed recorded in Deed Record 565 page 206 in the office of the Recorder of Vanderburgh County, then North 89 degrees 33 minutes 51 seconds East along the South line thereof 210.0 feet to the Southeast corner thereof, thence North 0 degrees 16 minutes 57 seconds West along the East line thereof 135.0 feet to the Northeast corner thereof, thence North 89 degrees 33 minutes 51 seconds East and parallel with the South line of said Quarter Quarter Section a distance of 1127.76 feet to a point on the East line thereof, thence South 0 degrees 08 minutes 29 seconds East along the East line 265.01 feet, thence South 89 degrees 33 minutes 51 seconds West a distance of 1337.10 feet to a point on the aforesaid West line, thence North 0 degrees 16 minutes 57 seconds West a distance of 130.0 feet to the place of beginning, containing 7.486 acres, more or less.

by changing the zoning classification of the above-described real estate from R-1 to C-4, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the

FILED

JUN 10 2016

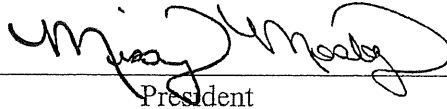
Jana Widner
CITY CLERK

amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

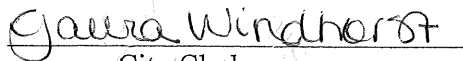
Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on 6/14/16 at Instrument No.: 2016R0001555. No improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this 13 day of June, 2016.



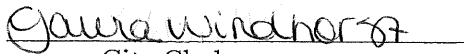
President

ATTEST:



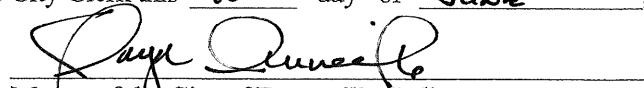
City Clerk

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said city, the day of June 14, 2016.



City Clerk

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this 15th day of June, 2016, at 10:00 o'clock AM.



Mayor of the City of Evansville, Indiana

THIS INSTRUMENT PREPARED BY: Marco L. DeLucio of Ziemer, Stayman, Weitzel & Shoulders, LLP, 20 N.W. First Street P.O. Box 916, Evansville, IN 47706-0916. Telephone: (812) 424-7575.

**AMENDED
USE AND DEVELOPMENT COMMITMENT**

WHEREAS the undersigned petitioners, C & K Partnership, L.P., ("Petitioner") and owners, Marsha K. Farwick and Karen L. Walthall, as Trustee of the Karen L. Walthall Primary Trust, collectively as the owners (the "Owners") of certain real estate situated in the County of Vanderburgh, Indiana, commonly described as North Green River Road which real estate (the "Real Estate") is more particularly described as follows, to wit:

See attached "Exhibit A".

WHEREAS, as the Real Estate is currently classified as a R-1 zoning district under the City of Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-4 (the "Rezoning Petition"); and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, Petitioner and Owners make the following use and development commitment which shall become effective upon the approval of the Rezoning Petition by the Evansville Common Council as evidenced by the recording of the rezoning ordinance:

1. Use of the Real Estate. Use of the Real Estate shall be limited to those uses permitted in the General Commercial District (C-4), as defined by Evansville Municipal Code 18.80.010 effective as of the date of this Amended Use and Development Commitment. Use of the Real Estate shall be further limited to exclude the following uses:

SECTION 17.20.110 USE GROUP 8:

Retail stores specializing in the sale or rental of any of the following:

- Package Liquor Store

- Pawn Shop

The following service uses:

- Home appliance repair, large
- Laundromat

The following recreational uses:

- Arcade
- Bowling Alley
- Dance hall, meeting hall, or party house
- Lodges and private clubs
- Nightclub, pool and billiard room
- Skating rink
- Theater
- Trampoline center
- Union hall/trade association meeting hall.

SECTION 17.20.120 USE GROUP 9:

- Auction house or gallery
- Blue printing and photostatting
- Off-track betting facility

SECTION 17.20.130 USE GROUP 10:

Retail stores specializing in the sale or rental of any of the following:

- Feed
- Welding supplies and equipment

The following service uses:

- Aluminum can collection/recycling center
- Ambulance service
- Automobile seat cover installation
- Battery repair and rebuilding (excluding retail battery sale stores)
- Bottling plant
- Crating, packing or shipping service (except retail type packing and shipping services)
- Dairy or milk distribution station
- Food vendor operation
- Janitorial service
- Motorcycle repair
- Taxi service
- Tool sharpening or grinding
- Welding shop

The following warehouse, wholesale and storage uses:

- Cold storage or frozen food plant

- Ice storage plant
- Wholesale broker or establishment

SECTION 17.20.140 USE GROUP 11:

Retail specializing in the sale or rental of any of the following:

- Flea markets
- Trailers

The following service uses:

- Boat repair
- Contractor shops
- Excavating contractor
- Railroad transfer, storage and team tracks
- Tire recapping or retreading

The following outdoor recreational use:

- Archery range
- Miniature golf and golf driving range
- Tennis courts

2. Dedication of Right of Way. Petitioner and Owners agree to dedicate to the City of Evansville twenty-five feet (25') of right of way off the eastern side of the Real Estate for the future expansion of North Cullen Avenue.

3. Successors and Assigns. All commitments and undertakings herein expressed shall be binding on the Petitioner and the Petitioner's heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Amended Use and Development Commitment is hereby made and entered into this 10th day of JUNE, 2016 by Petitioner, C & K Partnership, L.P., and Owners, Marsha K. Farwick and Karen L. Walthall as Trustee of the Karen L. Walthall primary Trust, for the purposes set forth herein.

"Petitioner"

C & K Partnership, L.P.

By: Chris A. Ramsey
Chris A. Ramsey, General Partner

"Owners"

Marsha K. Farwick

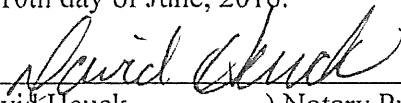
Karen L. Walthall Primary Trust

By: _____
Karen L. Walthall, Trustee

STATE OF INDIANA)
)SS:
COUNTY OF POSEY)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Chris A. Ramsey, a General Partner in C & K Partnership, L.P., who acknowledged the execution of the foregoing Amended Use and Development Commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this 10th day of June, 2016.



(David Heuck) Notary Public
of Posey County, Indiana.

My commission expires:
09/29/2022

Page 2 of 2

STATE OF INDIANA)
)SS:
COUNTY OF VANDERBURGH)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Marsha K. Farwick, who acknowledged the execution of the foregoing Amended Use and Development Commitment to be her free voluntary act and deed.

WITNESS my hand and Notarial Seal this ____ day of June, 2016.

() Notary Public
of Vanderburgh County, Indiana.

My commission expires:

"Owners"

Marsha K. Farwick
Marsha K. Farwick

Karen L. Walthall Primary Trust

By: Karen L. Walthall, Trustee
Karen L. Walthall, Trustee

STATE OF INDIANA)
)SS:
COUNTY OF VANDERBURGH)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Chris A. Ramsey, a General Partner in C & K Partnership, L.P., who acknowledged the execution of the foregoing Amended Use and Development Commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this ____ day of June, 2016.

() Notary Public
of Vanderburgh County, Indiana.

My commission expires:

STATE OF INDIANA)
)SS:
COUNTY OF VANDERBURGH)



Stephanie D. Winger
Resident of Vanderburgh County, IN
Commission Expires 09/22/2016
Commission #595133

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Marsha K. Farwick, who acknowledged the execution of the foregoing Amended Use and Development Commitment to be her free voluntary act and deed.

WITNESS my hand and Notarial Seal this 10th day of June, 2016.

Stephanie D. Winger
(Stephanie Winger) Notary Public
of Vanderburgh County, Indiana.

My commission expires:
Sept 22, 2016

STATE OF INDIANA)

)SS:

COUNTY OF VANDERBURGH)



Stephanie D. Winger
Resident of Vanderburgh County, IN
Commission Expires 09/22/2016
Commission #595133

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Karen L. Walthall as Trustee of the Karen L. Walthall Primary Trust, who acknowledged the execution of the foregoing Amended Use and Development Commitment to be her free voluntary act and deed.

WITNESS my hand and Notarial Seal this 10th day of June, 2016.

Stephanie D. Winger
(Stephanie Winger) Notary Public
of Vanderburgh County, Indiana.

My commission expires:

Sept. 22, 2016

This instrument prepared by:

Marco L. DeLucio, Esq.

Ziemer, Stayman, Weitzel & Shoulders, LLP

20 N.W. First Street, Ninth Floor

P.O. Box 916

Evansville, IN 47706-0916

Telephone: (812) 424-7575

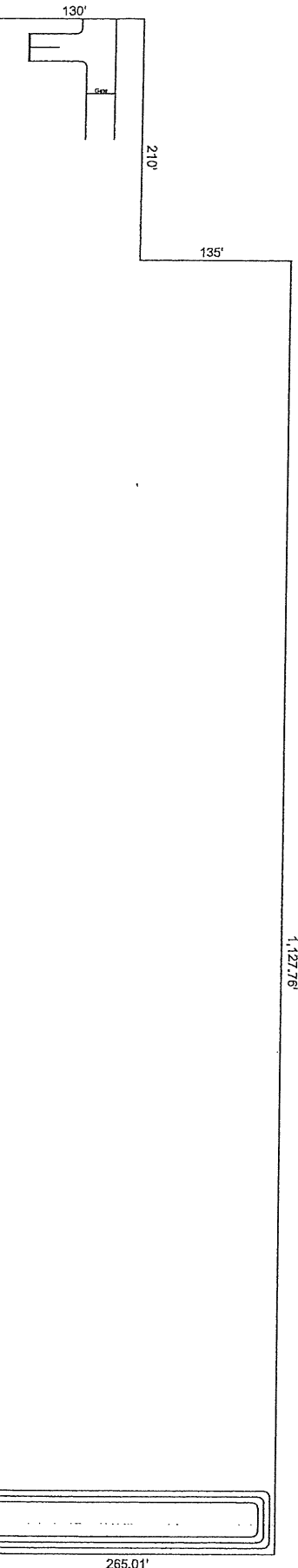
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Marco L. DeLucio

Exhibit A
Legal Description

Part of the Northwest Quarter of the Northwest Quarter of Section 12, Township 6 South, Range 10 West, Vanderburgh County, Indiana, described as follows:

Beginning at a point on the West line of the Northwest Quarter of the Northwest Quarter of said Section 12, which lies South 0 degrees 16 minutes 57 seconds East a distance of 856.12 feet from the Northwest corner thereof, being the Southwest corner of the property described by deed recorded in Deed Record 565 page 206 in the office of the Recorder of Vanderburgh County, then North 89 degrees 33 minutes 51 seconds East along the South line thereof 210.0 feet to the Southeast corner thereof, thence North 0 degrees 16 minutes 57 seconds West along the East line thereof 135.0 feet to the Northeast corner thereof, thence North 89 degrees 33 minutes 51 seconds East and parallel with the South line of said Quarter Quarter Section a distance of 1127.76 feet to a point on the East line thereof, thence South 0 degrees 08 minutes 29 seconds East along the East line 265.01 feet, thence South 89 degrees 33 minutes 51 seconds West a distance of 1337.10 feet to a point on the aforesaid West line, thence North 0 degrees 16 minutes 57 seconds West a distance of 130.0 feet to the place of beginning, containing 7.486 acres, more or less.



Milestone

- development -

1 440 TENTH STREET • TELL CITY, INDIANA 47586 • (812) 547-9899

PROJECT	DATE
GREEN RIVER SELF STORAGE	3.14.16
ADDRESS	SHEET NUMBER
N. GREEN RIVER ROAD	1 OF 1
: EVANSVILLE, INDIANA	
BRIEF TITLE	
CONCEPTUAL SITE PLAN	

VERIFIED PETITION FOR REZONING

2016-9

-PC

ORDINANCE NO. R-

2016-11

AMENDED

COUNCIL DISTRICT:

McGinn

WARD 1

PETITIONER C & K Partnership, L.P.

PHONE

(812) 547-9899

ADDRESS 5444 E. Indiana St, Suite 344, Evansville, IN

ZIP CODE

47715

OWNER OF RECORD Marsha K. Farwick & Karen Walthall Trust

PHONE

ADDRESS 1039 Sheffield Court, Newburgh, IN

ZIP CODE

47630

1. Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Vanderburgh County Code of Ordinances.
2. Premises affected are on the E side of N. Green River Road a distance of 856.12 feet S (N.S.E.W.) of the corner formed by the intersection of N. Green River Road and Hirsch Road.

Registered Neighborhood Association Oakhill Neighborhood Association

LEGAL DESCRIPTION:

SUBDIVISION

See attached Exhibit A

BLOCK

LOT NO.

4405

3. The commonly known address is N. Green River Road
4. The real estate is located in the Zone District designated as R-1
5. The requested change is to (Zone District) C-4
6. Present existing land use is: Vacant/Agricultural
7. The proposed land use is: Self-Storage
8. Utilities provided: (check all that apply)
City Water X Electric X Gas X Storm Sewer X
Sewer: Private Public X Septic
9. All attachments are adopted by reference. ME There are no sewers at this location
10. The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE 3/11/2015

(when signed)

PETITIONER:

Chris Ramsey

C & K Partnership, L.P.

By:

Chris Ramsey

Chris Ramsey, Partner

(REQUIRED) Signatures:

DATE 3/11/2015

OWNER:

Marsha K. Farwick

Marsha K. Farwick

(REQUIRED) Signatures:

DATE 3/11/2015

OWNER:

Karen L. Walthall Trustee

Karen L. Walthall Primary Trust

By:

Karen L. Walthall, Trustee

FILED

JUN 10 2016

Paula Winkler
CITY CLERK

C & K Partnership, L.P.
Rezoning of 4405 N. Green River Road
Parcel I.D. 82-06-12-017-176.024-027

EXHIBIT A

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